IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.3343 of 2004

1. M/s Bhusari Milk and Milk
Producdts and others ..Petitioners

vs.

1. The Kurundwad Urban Coop.
Bank Ltd. & ors. ..Respondents

Mr.N.R.Bubna for petitioners.

CORAM: A.P.SHAH
& S.U.KAMDAR JJ.
13th August,2004

P.C.

1. Heard Advocates.

2. The challenge to the constitutional validity of Section 101 cannot be accepted in view of the decision of the Nagpur Bench whereby a similar challenge has been repelled and the provisions of Section 101 are held to be intra virus.

3. There is hardly any dispute that the loan was ltaken by the petitioner from the respondent Bank, the petitioners have committed default and, therefore, the proceedings under section 101 were initiated and the competent authority after hearing both sides granted recovery certificate.

4. The petitioner has got alternative remedy of

filing a revision application under section 154. The petition is, therefore, dismissed withs liberty to the petitioner to adopt appropriate proceedings.